

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5832 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KARSHANDAS RATILAL SOLANKI

Versus

BLIND WELFARE COUNCIL

Appearance:

1. Special Civil Application No. 5832 of 2004
MR MANISH R RAVAL for Petitioner No. 1-18
MR SP HASURKAR, AGP for Respondents
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CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 01/03/2005

ORAL JUDGEMENT

Rule. Learned AGP Mr.Hasurkar waives service of rule. At the joint request of the learned advocates appearing for the parties, the petition is taken up for

final disposal today.

2. In the present petition, the petitioners have challenged the decision of the respondents dated 9.4.2004 by which it was decided to terminate the services of such of the teachers who have not passed the necessary examinations after undertaking the training. It is recorded that initially such teachers were appointed on the condition that they have to complete the training within a period of three years and pass the test also. It was, therefore, decided that those of the teachers who have not passed the test, their services should be terminated. All the petitioners were recruited as Teachers in the Blind Welfare Council for teaching blind students in the District of Panchmahal in the year 2000. They have been discharging their duties continuously since then. It is the case of the respondents that they failed to pass the test after undertaking full course as required within three years of their appointment and now that the trained teachers are available, their services are required to be dispensed with. On the other hand, counsel for the petitioners points out that the petitioners have been discharging their duties since the year 2000 and there is no complaint about the performance of their duties and all petitioners have already taken appropriate steps to complete the training and to pass the required examination. He points out that the petitioners Nos.2, 5, 8, 9 and 15 have already passed the necessary examinations whereas the rest of the petitioners have undertaken the courses and have also completed the first year of training successfully and would be appearing for the second year examination in the month of May 2005 or thereabout. It is submitted that shortly thereafter, the results would be available and all the petitioners hope to succeed in the examination.

3. Counsel for the petitioners also places on record a communication dated 27th May 2004 by which the authorities also gave further relaxation in favour of those teachers who have completed the training and appeared in the examination but the results are awaited. In case of such persons, it is stated that their services should not be terminated till the results are available.

4. In view of the above factual background, I find it necessary that the respondents should consider the cases of petitioners in light of the facts mentioned hereinabove. As noted earlier, all petitioners are working since the year 2000 and there is no complaint about their work performance. All the petitioners have also either completed the training and passed the test or

are at the advanced stage of completion of training. As mentioned earlier, five of the petitioners have already cleared all necessary tests and rest of the petitioners would be appearing in the ensuing summer examination in the year 2005 itself. Under the circumstances, I find it necessary that the respondents reconsider the cases of the petitioners and consider whether they should be permitted to continue at least till the results of the proposed examinations are declared in the year 2005. For the above purpose, the petitioners shall make representation to the respondents. The said representation shall be considered sympathetically bearing in mind the observations made hereinabove. Until such decision is taken, services of the petitioners shall not be terminated. The authorities shall take a conscious decision whether the petitioners should not be continued in service at least till the results in the examination to be conducted in April/May 2005 are available.

5. In view of the above directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)